

## II. REMARKS

### **1. Interview Summary**

Examiner Sackey is thanked for the courtesy extended during the telephone interview on June 29, 2007. Alternative claim language that could overcome the present rejection was discussed. No agreement was reached.

The Information Disclosure Statement (IDS) filed on February 23, 2007 was also discussed. Because attorney Gildea confused the date of filing of the IDS and the date of mailing of the present Final Office Action (February 26, 2007) a possible RCE was discussed. However, because the Final Office Action was not mailed until after the IDS was submitted, there is no need to file an RCE.

### **2. Remarks on the Amendment to the Claims:**

Claims 1, 18 and 20 are amended to remove use of the word comprise and variations thereof. Although this amendment is offered to overcome the rejection under 35 U.S.C. § 112, second paragraph, it is believed that the scope of the claimed subject matter of these claims remains unchanged.

Claims 2, 3 and 4 are amended to replace '*heavy atom isotopes*' with '*atoms of <sup>13</sup>C and/or <sup>15</sup>N*'. This amendment is consistent with the content of claim 1 as amended.

New claims 21 and 22 have been added to more distinctly claim subject matter for which Applicants seek letters patent. Neither claim 21 nor 22 uses the term comprise or a variation hereof.

It is believed that no new matter has been added by entry of any of the requested amendments.

### **3. Response to the Rejections under 35 U.S.C. § 112, second paragraph:**

It is believed that the amendment set forth herein renders moot this rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

### **4. Information Disclosure Statements**

Information Disclosure Statements were filed on February 23, 2007 and on May 4, 2007. The Examiner is requested to return the PTO-1449 for these submissions with the next office communication.

### III. SUMMARY

It is believed that this response addresses all issues set forth in the present Office Action and the application is in ready condition for allowance. In consideration of the preceding amendments and remarks, Applicants hereby respectfully request the issuance of a Notice of Allowance by The Office.

### IV. INTERVIEW

If the Examiner believes a telephonic or personal interview would advance the prosecution of the subject application, the Examiner is invited to contact attorney Gildea during business hours at the telephone or facsimile numbers listed below.

### V. FEES

A petition under 37 C.F.R. § 1.136(a) for a two (2) month extension, and authorization to deduct the appropriate fee from Deposit Account No. 01-2213 accompanies said petition.

According to the fee calculation sheet in PAIR dated June 8, 2006, fees for 20 total claims and 3 independent claims have thus far been paid to the Office with respect to the present application. Upon entry of this amendment, this application will contain 22 total claims and 5 independent claims. The following calculations indicate that a fee of \$500.00 is due the Office for entry of this amendment and for the consideration of the amended set of claims.

Total Claims	–	Claims Paid	=	Claims to be Paid	<b>x \$50.00</b>	Totals
22	–	20	=	2	\$ 100.00	\$ 100.00
Total Ind. Claims		Ind. Claims Paid		Ind. Claims to be Paid	<b>x \$ 200.00</b>	
5		3		2	\$ 400.00	\$ 400.00
Total Due Office						\$ 500.00

The Office is hereby authorized to deduct the fee due, believed to be \$500.00, for entry of this amendment set forth herein from Deposit Account 01-2213 (Order No. BP0308-US). No other fees are believed to be due to The Office for consideration of this paper. If however, The Office determines that any fee is properly due for its consideration of this paper, authorization is hereby granted to charge any required fee associated with the filing or proper consideration of this paper to Deposit Account 01-2213 (Order No. BP0308-US).

VI. CORRESPONDENCE/CUSTOMER NUMBER

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IF NOT ALREADY DONE, PLEASE ASSOCIATE THIS CASE WITH CUSTOMER NUMBER

**23544**

Respectfully submitted  
on behalf of Applicants,

7/2/07  
Date

Brian D. Gildea  
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